

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.267 Temporary confinement; study of prisoner; suitability of prisoner to type of rehabilitation required; report; execution of confinement order; test for HIV or antibody to HIV; applicability of subsection (2); housing prisoner in administrative segregation, inpatient health care unit, or unit separate from general prisoner population; reporting positive test result; exposure of employee to blood or body fluid of prisoner; testing employee; employee equipment; HIV positive prisoner not to work in health facility; seroprevalence study; disclosure of test results; counseling; AIDS education program; report; definitions.

Sec. 67. (1) Quarters for temporary confinement apart from those of regular inmates shall be provided for convicted prisoners upon commitment at each of the state correctional facilities, which the director shall designate as a reception center. Within 60 days after the arrival of a convicted prisoner at such a state correctional facility, the classification committee shall make and complete a comprehensive study of the prisoner, including physical and psychiatric examinations, to ensure that the prisoner is confined in the state correctional facility suited to the type of rehabilitation required in his or her case. The warden of the state correctional facility shall deliver a report of the study of the classification committee to the deputy director of the correctional facilities administration, who shall, within 5 days after receipt of the report, execute an order to confine the prisoner in the state correctional facility determined as suitable by the deputy director.

(2) Immediately upon arrival at a reception center designated pursuant to subsection (1), each incoming prisoner shall undergo a test for HIV or an antibody to HIV. This subsection does not apply if an incoming prisoner has been tested for HIV or an antibody to HIV under section 5129 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.5129 of the Michigan Compiled Laws, within the 3 months immediately preceding the date of the prisoner's arrival at the reception center, as indicated by the record transferred to the department by the court under that section.

(3) If a prisoner receives a positive test result and is subsequently subject to discipline by the department for sexual misconduct that could transmit HIV, illegal intravenous use of controlled substances, or assaultive or predatory behavior that could transmit HIV, the department shall house that prisoner in administrative segregation, an inpatient health care unit, or a unit separate from the general prisoner population, as determined by the department.

(4) The department shall report each positive test result to the department of community health, in compliance with section 5114 of Act No. 368 of the Public Acts of 1978, being section 333.5114 of the Michigan Compiled Laws.

(5) If an employee of the department sustains a percutaneous, mucous membrane, or open wound exposure to the blood or body fluid of a prisoner, the employee may, and the department shall, proceed under section 67b.

(6) Upon the request of an employee of the department, the department shall provide or arrange for a test for HIV or an antibody to HIV for that employee, free of charge.

(7) Upon the request of an employee of the department, the department shall provide to that employee the equipment necessary to implement universal precautions to prevent transmission of HIV infection.

(8) A prisoner who receives a positive HIV test result under subsection (5) shall not work in a health facility operated by the department.

(9) The department shall conduct a seroprevalence study of the prisoners in all state correctional facilities to determine the percentage of prisoners who are HIV infected.

(10) The results of a test for HIV or an antibody to HIV conducted under this section shall be disclosed by the department pursuant to section 67b.

(11) The deputy director of the correctional facilities administration shall take steps to ensure that all prisoners who receive HIV testing receive counseling regarding AIDS including, at a minimum, treatment, transmission, and protective measures.

(12) The department, in conjunction with the department of community health, shall develop and implement a comprehensive AIDS education program designed specifically for correctional environments. The program shall be conducted by the bureau within the department responsible for health care, for staff and for prisoners at each state correctional facility.

(13) By March 30, 1991, the department shall submit a report regarding the testing component, managerial aspects, and effectiveness of subsections (2) to (12) to the senate and house committees with jurisdiction over matters pertaining to corrections, and to the senate and house committees with jurisdiction over matters

pertaining to public health.

(14) As used in this section:

(a) “AIDS” means acquired immunodeficiency syndrome.

(b) “HIV” means human immunodeficiency virus.

(c) “Positive test result” means a double positive enzyme-linked immunosorbent assay test, combined with a positive western blot assay test, or a positive test under an HIV test that is considered reliable by the federal centers for disease control and is approved by the department of community health.

History: 1953, Act 232, Eff. Oct. 2, 1953;—Am. 1960, Act 103, Imd. Eff. Apr. 26, 1960;—Am. 1988, Act 510, Eff. Mar. 30, 1989;—Am. 1996, Act 565, Imd. Eff. Jan. 16, 1997.

Popular name: Department of Corrections Act